

22 of the specification and in the original claims. No new matter is believed to be introduced by the addition of the new claims.

REMARKS

At the outset, Applicants thank Examiner Idebrando for helpful suggestion in overcoming the objections and rejections in the Office Action dated August 15, 2001. Further, Applicants thank Examiner Idebrando for indicating that Claims 20-25 and 29-30 are allowable over the references of record.

The Office has required restriction in the present application as follows:

Group I: Claims 1-31, drawn to a catalyst composition; and

Group II: Claims 32-40, drawn to a hydrotreatment process.

Applicants have elected Group I, Claims 1-31, drawn to a catalyst composition, with traverse.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. Applicants respectfully traverse on the grounds that the Office has not provided an adequate reason or example to support a conclusion of patentable distinctness.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully traverse the Restriction Requirement on the grounds that the Office has not shown that a burden exist in searching all of the claims. Applicants respectfully point out that thousands of U.S. patents have issued in which many subclasses

are searched, and the Office cannot reasonably assert that a burden exists in searching only five subclasses. Applicants submit that a search of all claims would not constitute a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Claims 32 and 41-68 are pending. Favorable reconsideration is respectfully requested.

The rejections of Claims 1-3, 5-7, and 9-19 under 35 U.S.C. §102(b) as being anticipated by Oleck et al (U.S. 6,456,655) is believed to be obviated by the cancellation of these claims. Further, new Claims 41-68 are not anticipated or suggested by this reference because Oleck et al fail to describe the claimed catalyst composition.

Oleck et al describe a catalyst in a process for demetallation, hydrotreating, and dewaxing of petroleum residua at 50% greater of a boiling point than 900°F. Petroleum residua is an undistilled portion of a crude oil, usually the atmospheric or vacuum tower bottoms (see Petroleum Refining, Technology and Economics, Third Edition, J.H. Gary and G.E. Handwerk, Dekker, page 402 attached herewith). Such undistilled portion of crude oil have boiling temperatures of $T > 325^{\circ}\text{C}$, $T > 360^{\circ}\text{C}$, and $T > 370^{\circ}\text{C}$ (see Petroleum Refining - Crude Oil, Petroleum Products, and Process Flowsheets, Edition Technip, chapter 8, paragraph 8.2: TBP Crude Oil Distillation - Analysis of Fractions, pp. 331-332 attached herewith). The process according to Oleck et al is carried out with a catalyst comprising at least a metal selected among metals of groups VIA and VIII.

In contrast, Claims 41-68 relate to catalyst compositions comprising a beta zeolite, cobalt, and a metal of Group VIB. As discussed above, Oleck et al describe a catalyst having

a metal selected among metals of groups VIA and VIII. Oleck et al fail to describe a catalyst composition having cobalt and Group VIB. Therefore, Oleck et al does not anticipate or suggest the claimed catalyst composition. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejections of Claims 1, 4, 6, and 9-19 under 35 U.S.C. §102(b) as being anticipated by Wu et al is believed to be obviated by the cancellation of these claims. Moreover, new Claims 41-68 are not anticipated or suggested by Wu et al because Wu et al fail to describe the claimed catalyst composition.

Wu et al describe a process of hydroalkylating substituted benzenes to obtain aromatic hydrocarbons. The process according to Wu uses a catalyst containing a beta zeolite, nickel, and molybdenum. In contrast, the claimed catalyst composition comprises cobalt and a metal of Group VI. Wu et al fail to describe catalyst composition having cobalt and a metal of Group VI. Therefore, Wu et al fail to not anticipate or suggest the claimed composition. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejections of Claims 1-3, 5-7, and 9-19 under 35 U.S.C. §102(b) and §103(a) as being unpatentable over Ward is believed to be obviated by cancellation of these claims. Moreover, new Claims 41-68 are not anticipated or suggested by the reference because Ward fails to describe a the claimed catalyst composition.

Ward describes a catalyst containing a beta zeolite, dealuminated zeolite Y, metals pertaining to Groups VI, and nickel. In contrast, the claimed catalyst compositions comprise cobalt and metals of Groups VI. Ward does not describe a catalyst comprising cobalt and a metal of Group VI. Therefore, Ward fails to describe or suggest the claimed composition. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The objection of Claims 8 and 26-28 is believed to be obviated by the cancellation of these claims. Further, Claims 41-68 are not in multiple dependent format. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The objection of Claim 17 and 18 is believed to be obviated by the cancellation of these claims. Further, new Claims 41-68 do not contain claims that are substantial duplicates thereof. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejections of Claims 17-25 and 29-31 under 35 U.S.C. §112, second paragraph, is believed to be obviated by the cancellation of these claims. Further, Applicants respectfully submit that new Claims 41-68 are not indefinite and do particularly point out and distinctly claim the subject matter of the present invention. Further, new Claims 41-68 are process claims that recite processes for preparing a catalyst composition using active method steps. Accordingly, Applicants respectfully request that this ground of rejection be withdrawn.

Applicants submit that the present application is now in condition for allowance.

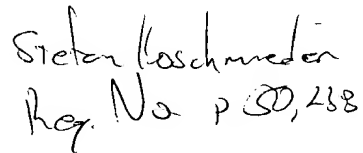
Early notice to this effect is earnestly solicited.

Respectfully submitted,

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Amendment Filed Herewith

IN THE CLAIMS

--Claims 1-31 and 33-40 are canceled.
Claims 41-68 are new.--